[IE] BAI Report on the effect of Access Rules

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On 16 May 2018, the Broadcasting Authority of Ireland (BAI) published its Report on the Effect of the BAI Access Rules. The BAI's Access Rules set down quantitative and qualitative requirements in respect of the provision of subtitling, Irish Sign Language and audio description, which broadcasters are required to meet (see IRIS 2016-9/21). Under Section 43 (c) of the Broadcasting Act 2009, the BAI is required to develop Access Rules that set out the specific steps that each television broadcaster must take to promote the understanding and enjoyment of television programmes by those who are blind or partially sighted, those who are deaf and hard of hearing, and those who are hard of hearing and partially sighted.

The 235-page Report, which includes three Appendices, sets out the findings of the statutory review of the Access Rules undertaken in 2017 by the BAI. Under Section 45(3) of the Broadcasting Act 2009, the BAI is required to review the effect of the Access Rules every two years and to provide the Minister for Communications, Climate Action and Environment with a report on the outcomes of this review; a report which is then laid before both Houses of Parliament (Oireachtas).

The Report is divided into section on methodology, review findings, potential policy options, and conclusions, in addition to a consultant's report on stakeholder research to information the Access Rules review, and a jurisdictional review of regulations, practice and related legislation in respect of the provision of access services in audiovisual media in a range of jurisdictions. A number of notable findings and potential policy options should be mentioned.

Firstly, in terms of the effectiveness of the Access Rules, the BAI states that the quantity and range of access service provision on television services continues to increase annually. RTÉ 1, for example, provides up to 94% subtitling during peak time periods of viewing. The quality and reliability of access service provision has also improved over this time, although real challenges remain in this area. Moreover, the level of engagement between broadcasters and access users and their representatives has improved since the last review, and this is a welcome trend. Furthermore, broadcasters continue to be engaged meaningfully in their approach to their requirements to provide access services with investment ongoing and also via the inclusion of accessible provisions on their online players (which is not a requirement of the BAI's Rules). In addition, compliance levels with

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the Access Rules overall is good, and where issues have arisen, broadcasters have been responsive and addressed these issues. However, compliance with quality requirements remains an issue for some (but not all) broadcasters.

The Report also considers areas where further action is merited by the BAI, including the following: firstly, the issue of the quality-of-access provision requires further intervention on the part of the BAI. The Report states that the review and the BAI's own engagements with broadcasters (as well as the experience of broadcasters at a European level) clearly indicates that this is a complex issue that is impacted by a number of factors. It is also evident that broadcasters have engaged with this challenge and there is nothing to indicate that problems with quality arise principally from poor standards in respect of the application of the quality requirements. Secondly, the targets and the approach to target-setting have also emerged as issues requiring further attention. There are very divergent views evident from the engagement with stakeholders, with broadcasters indicating that they are not in a position to increase provision above current levels and users advocating a move towards 100% provision. At the same time, users have also questioned the value of live subtitling and whether broadcaster resources allocated to access provision might be better spent elsewhere. The review findings indicate that further refinements to the mechanisms for setting targets may be warranted, such as giving consideration to peak time provision.

The Report concludes by noting that a public consultation on revised Rules will be undertaken in 2018 with a view to implementing new requirements from the beginning of 2019

Broadcasting Authority of Ireland, Report on the Effect of the BAI Access Rules (2017), 16 May 2018

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